

CHRISTOPHER A. CROFTS
United States Attorney
MARK A. KLAASSEN
C. LEVI MARTIN
Assistant United States Attorneys
District of Wyoming
P. O. Box 668
Cheyenne, WY 82003-0668
Telephone: 307-772-2124
Facsimile: 307-772-2123
mark.klaassen@usdoj.gov
christopher.martin1@usdoj.gov

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF WYOMING**

UNITED STATES OF AMERICA, <i>ex rel.</i>)	
HOSPITALITY MANAGEMENT, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12CV00095-F
)	
PINNACLE BANCORP INC.)	
d/b/a PINNACLE BANK,)	
)	
Defendant.)	

MOTION FOR STAY DUE TO LAPSE OF APPROPRIATIONS

Plaintiff, United States of America, hereby moves for a stay in the above-captioned case.

1. At the end of the day on September 30, 2013, the appropriation that had been funding the Department of Justice expired and the appropriations to the Department lapsed. The same is true for most Executive agencies, including the United States Small Business Administration (SBA). The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the SBA are prohibited from working, even on a voluntary basis, "except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel therefore requests a stay of the case until Congress has restored appropriations to the Department and other Executive agencies.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Undersigned counsel contacted counsel for Defendant who does not oppose this request, so long as the stay does not exceed a reasonable period of time.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted this 8th day of October, 2013.

CHRISTOPHER A. CROFTS
United States Attorney

/s/ *Mark A. Klaassen*
MARK A. KLAASSEN
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing **MOTION FOR STAY DUE TO LAPSE OF APPROPRIATIONS** has been served upon the following by United States mail on October 8, 2013.

MICHAEL A. LABAZZO
Law Offices of Michael A. LaBazzo, LLC
1285 Sheridan Avenue, Suite 220
P.O. Box 2016
Cody, WY 82414
Attorney for Defendant

STEPHEN L. SIMONTON
Stephen L. Simonton, P.C.
1222 11th Street
Cody, Wyoming 82414-3594

SHAUNA B. ITRI
Berger and Montague, P.C.
1622 Locust Street
Philadelphia, PA 19103
Attorneys for Relator

/s/ Vaughna Warburton
Vaughna Warburton
United States Attorney's Office